

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Developing a Unified Inter-carrier Compensation)	CC Docket No. 01-92
Regime)	
)	
T-Mobile <i>et al.</i> Petition for Declaratory Ruling)	
Regarding Incumbent LEC Wireless Termination)	
Tariffs)	

CENTURYTEL OPPOSITION TO PETITIONS FOR RECONSIDERATION

John F. Jones
CENTURYTEL, INC.
100 Century Park Drive
Monroe, Louisiana 71211
(318) 388-9000

Karen Brinkmann
Stefanie Alfonso-Frank
LATHAM & WATKINS, LLP
Suite 1000
555 Eleventh Street, N.W.
Washington, D.C. 20004-1304
(202) 637-2200

Counsel for CenturyTel, Inc.

June 30, 2005

SUMMARY

CenturyTel, Inc. (“CenturyTel”) opposes the Petitions seeking reconsideration of the Federal Communications Commission’s (“Commission” or “FCC”) Declaratory Ruling and Report and Order (“Order”), FCC 05-42, filed by T-Mobile USA, Inc. (“T-Mobile”) and American Association of Paging Carriers (“AAPC”) on April 29, 2005. In its February 24, 2005 Order, the Commission amended Section 20.11 of the FCC’s rules to impose prospectively the reciprocal compensation obligations for the transport and termination of local traffic established in Sections 251 and 252 of the Communications Act of 1934, as amended (the “Act”) on commercial mobile radio services (“CMRS”) carriers. The Commission also established interim pricing rules for the period after the effective date of the Order when incumbent local exchange carriers (“ILECs”) and CMRS carriers have begun, but not concluded, reciprocal compensation negotiations, and ruled that existing termination tariffs are enforceable by their terms through the effective date of the new rule.

CenturyTel supports the Commission’s Order and urges the Commission to deny both the T-Mobile and AAPC Petitions. The Commission has jurisdiction pursuant to Sections 201 and 332 of the Act to order CMRS carriers to interconnect and to negotiate or arbitrate interconnection terms and reciprocal compensation rates for transport and termination of local traffic. The Commission established a reasonable framework for collection of reciprocal compensation by ILECs from CMRS carriers, both by setting interim rates pursuant to Sections 332(c) and 201 and by establishing that states should enforce wireless termination tariffs for past periods according to their terms. Because there are no new reasons for the FCC to revisit its Order, it should uphold the Order in its entirety.

TABLE OF CONTENTS

Page

I.	INTRODUCTION AND BACKGROUND.....	1
II.	THE COMMISSION HAS JURISDICTION PURSUANT TO SECTIONS 201 AND 332 OF THE ACT TO ORDER CMRS CARRIERS TO ENGAGE IN INTERCONNECTION NEGOTIATIONS AND ARBITRATION AND TO SET RATES FOR THE EXCHANGE OF TRAFFIC WITH OTHER CARRIERS.....	4
III.	THE COMMISSION ADOPTED A REASONABLE FRAMEWORK TO GOVERN THE COLLECTION OF RECIPROCAL COMPENSATION BY ILECS FROM CMRS CARRIERS.....	7
	A. The Commission Has the Authority to Set Interim Rates.....	8
	B. The Order Correctly Establishes that Wireless Termination Tariffs for Past Periods Must be Enforced According to Their Terms.....	10
IV.	CONCLUSION	12

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
)	
T-Mobile <i>et al.</i> Petition for Declaratory Ruling)	
Regarding Incumbent LEC Wireless Termination Tariffs)	
)	

CENTURYTEL OPPOSITION TO PETITIONS FOR RECONSIDERATION

CenturyTel, Inc. ("CenturyTel"), through its attorneys, and pursuant to Section 1.429(f) of the Federal Communications Commission's ("Commission" or "FCC") rules, opposes the Petitions seeking reconsideration of the Commission's Declaratory Ruling and Report and Order (the "Order")¹ filed by T-Mobile USA, Inc. ("T-Mobile")² and American Association of Paging Carriers ("AAPC").³ The T-Mobile Petition and the AAPC Petition seek reconsideration of the Order in which the Commission ruled that commercial mobile radio services ("CMRS") carriers must comply with the reciprocal compensation obligations established for the transport and termination of local traffic established in Sections 251 and 252 of the Communications Act of 1934, as amended (the "Act").

I. INTRODUCTION AND BACKGROUND

Through its various subsidiaries, CenturyTel provides local exchange, long-distance, dial-up and dedicated broadband Internet access, and other information services

¹ *Developing a Unified Intercarrier Compensation Regime; T-Mobile et. al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs*, Declaratory Ruling and Report and Order, CC Docket No. 01-92, FCC 05-42 (rel. Feb. 24, 2005).

² *Petition for Clarification or, in the Alternative, Reconsideration* filed by T-Mobile, USA, Inc., CC Docket No. 01-92 (filed April 29, 2005) ("T-Mobile Petition").

³ *Petition for Reconsideration* filed by American Association of Paging Carriers, CC Docket No. 01-92 (filed April 29, 2005) ("AAPC Petition").

predominantly to rural customers in its 22-state incumbent local exchange carrier (“ILEC”) region. CenturyTel has faced significant losses from CMRS traffic that it actually terminates, but for which it is unable to bill.⁴ One obstacle to obtaining compensation for terminating CMRS traffic has been that a third carrier, typically the Bell operating company, often performs transiting for the CMRS carrier but does not always forward the call origination information to the terminating ILEC.⁵

In order to obtain compensation from originating CMRS providers, CenturyTel successfully negotiated interconnection and reciprocal compensation agreements with many CMRS carriers.⁶ CenturyTel and other ILECs filed wireless termination tariffs with various state commissions that would enable the terminating ILEC to obtain compensation where an originating carrier refused to enter into interconnection or compensation agreements.⁷

In response to the wireless local termination tariffs filed by ILECs in several states, T-Mobile and other two-way wireless carriers filed a petition for declaratory relief asking the Commission to rule “that wireless termination tariffs are not a proper mechanism for establishing reciprocal compensation arrangements for the transport and termination of traffic.”⁸

In its February 24, 2005 Order, the Commission denied the T-Mobile petition, but amended the Commission’s rules on a prospective basis to prohibit the use of tariffs to impose intercarrier compensation obligations for non-access CMRS traffic and amended Section 20.11

⁴ *Notice of Ex Parte Communication in CC Docket 01-92*, Letter from Karen Brinkmann dated April 17, 2003.

⁵ *Ex Parte Presentation in CC Docket 01-92*, Letter from Karen Brinkmann dated July 11, 2003, at 2. *See also* Order at ¶¶ 5-6

⁶ *Id.* T-Mobile, however, is one of the few CMRS carriers with whom CenturyTel has been unable to negotiate an interconnection and reciprocal compensation agreement.

⁷ *Id.*; Order at ¶ 7.

⁸ *T-Mobile USA, Inc. et al. Petition for Declaratory Ruling: Lawfulness of Incumbent Local Exchange Carrier Wireless Termination Tariffs*, CC Docket Nos. 01-92, 95-185, 96-98 (filed Sept. 6, 2002); Order at ¶ 1.

of its rules to “clarify that an incumbent LEC may request interconnection from a CMRS provider and invoke the negotiation and arbitration procedures set forth in section 252 of the Act.” The FCC reasoned that these measures were justified to ensure ILECs have the same ability to compel negotiations and arbitrations as CMRS carriers.⁹ The Order addresses the asymmetrical treatment under Part 51 of the Commission’s rules of LECs and CMRS providers in their ability to request negotiation and arbitration of reciprocal compensation arrangements. The Order acknowledges the difficulty that ILECs have had obtaining compensation from CMRS providers because, while ILECs have had the obligation to submit to arbitration of reciprocal compensation arrangements with CMRS providers, CMRS providers have not had similar explicit obligations toward ILECs.¹⁰

In this Opposition to the T-Mobile and AAPC Petitions, CenturyTel supports the Commission’s Order denying declaratory relief and amending Section 20.11 of its rules to impose reciprocal compensation arbitration and negotiation obligations on CMRS carriers going forward.¹¹ CenturyTel further supports the Commission’s ruling that existing termination tariffs were enforceable by their terms through the effective date of the new rules.¹² The Commission properly invoked jurisdiction pursuant to Sections 201 and 332 of the Act to order CMRS

⁹ Order at ¶ 16.

¹⁰ *Id.* at ¶ 15.

¹¹ The Rural Cellular Association Petition (“RCA Petition”) asks for clarification that CMRS carriers cannot be compelled to interconnect directly with LECs pursuant to Section 251(b)(5) of the Act. *Developing a Unified Inter-carrier Compensation Regime; T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs*, Petition for Clarification or, in the Alternative, Reconsideration, CC Docket No. 01-92 (filed April 29, 2005). Under Section 251(a), CMRS carriers can interconnect either directly or indirectly with other carriers. The Commission’s Order does not address how a CMRS provider interconnects with an ILEC, so long as the terminating carrier is compensated for the transport and termination of the originating carrier’s traffic. *See* Order at ¶¶ 9-10.

¹² Order at ¶ 14.

carriers to negotiate or arbitrate interconnection terms and reciprocal compensation rates for transport and termination of local traffic. The Commission has the authority to permit the collection of reciprocal compensation by ILECS from CMRS carriers, both by setting interim rates pursuant to Sections 332(c) and 201 and by establishing that states should enforce wireless termination tariffs for past periods according to their terms.¹³ Neither the T-Mobile Petition nor the AAPC Petition offers any new grounds for the Commission to reconsider or clarify its Order.

II. THE COMMISSION HAS JURISDICTION PURSUANT TO SECTIONS 201 AND 332 OF THE ACT TO ORDER CMRS CARRIERS TO ENGAGE IN INTERCONNECTION NEGOTIATIONS AND ARBITRATION AND TO SET RATES FOR THE EXCHANGE OF TRAFFIC WITH OTHER CARRIERS.

The Order amends the Commission's rules to clarify that an ILEC may request interconnection from a CMRS provider and invoke the negotiation and arbitration procedures in Section 252 of the Act in order to secure reciprocal compensation arrangements for the transport and termination of local traffic (as defined by the Commission in its Part 51 rules).¹⁴ Because the Order prohibits the prospective use of tariffs for termination charges on non-access traffic, the Commission amended Section 20.11 to impose the same obligations on CMRS providers that already apply to ILECs under Sections 251(b)(5) and 252 of the Act.¹⁵ The Commission properly invoked Sections 332 and 201 as a basis to regulate LEC-CMRS interconnection.

In the Order, the Commission took action under its "plenary authority under Sections 201 and 332 of the Act" over CMRS carriers.¹⁶ Section 201 gives the Commission broad authority to regulate common carrier rates and interconnection. According to Section 201,

¹³ Petitions for Reconsideration of the Order were due to be filed on or before April 29, 2005. 47 C.F.R. § 1.429(d). Notice of the filing of these Petitions was published in the Federal Register on June 15, 2005. Oppositions to Petitions for Reconsideration are due to be filed on or before June 30, 2005. 47 C.F.R. § 1.429(f).

¹⁴ Order at ¶ 9.

¹⁵ *Id.* at ¶ 16.

¹⁶ *Id.* at ¶ 14.

common carriers engaged in interstate communication are required to “furnish such communication service upon reasonable request . . . and in accordance with the orders of the Commission . . . to establish physical connections with other carriers, to establish through routes and charges . . . and the divisions of such charges.”¹⁷ Section 201 further provides, “[a]ll charges, practices, classifications, and regulations for . . . communication service shall be just and reasonable”¹⁸ If the commission finds any carrier’s rates are not just and reasonable pursuant to Section 201, it has broad authority to prescribe rates pursuant to Section 205 of the Act.¹⁹ The Commission has not forbore from enforcement of Section 201 for CMRS carriers.²⁰

Section 332(c)(1)(B) states “[u]pon reasonable request of any person providing commercial mobile service, the Commission shall order a common carrier to establish physical connections with such service pursuant to the provisions of section 201 of this Act.”²¹ The Eighth Circuit in *Iowa Utils Bd. v. FCC*, held that Section 332(c) read in combination with Section 2(b) gives the Commission independent authority to promulgate rules governing LEC-CMRS interconnection.²² While other aspects of this case, including ILEC-CLEC reciprocal compensation rules, were appealed, this CMRS-LEC interconnection aspect of the Eighth Circuit decision was not appealed.²³ Moreover, in implementing the local interconnection provisions of Section 251 and 252, the Commission reserved the right to invoke jurisdiction for LEC-CMRS

¹⁷ 47 U.S.C. § 201(a).

¹⁸ 47 U.S.C. § 201(b).

¹⁹ 47 U.S.C. § 205(a).

²⁰ See 47 U.S.C. § 332(c)(1).

²¹ 47 U.S.C. § 332(c)(1)(B).

²² *Iowa Utils. Bd. v. FCC*, 120 F.3d 753, 800 n.21 (8th Cir. 1997) (“*Iowa I*”); *Notice of Proposed Rulemaking, Developing a Unified Inter-carrier Compensation Regime*, FCC 01-132, at ¶ 82 (2001) (“NPRM”). Section 2(b) precludes state regulation of market entry and rates charged by CMRS providers.

²³ NPRM at ¶ 82; see also *Iowa Utils. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000) (“*Iowa II*”).

interconnection under Sections 201 and 332, “if circumstances should so warrant.”²⁴ In the LEC-CMRS proceeding initiated before the enactment of the 1996 Telecommunications Act, the FCC also “tentatively concluded that the Commission has sufficient authority to promulgate specific federal requirements for interstate and intrastate interconnection agreements” under Section 332 of the Act.²⁵ Under Section 20.11 of the Commission’s rules, both CMRS carriers and LECs were required as early as 1994 to “comply with principles of mutual compensation” and the originating carrier, whether CMRS or LEC, must pay reasonable compensation to the terminating carrier for traffic that terminates on the latter’s network.²⁶

The AAPC Petition argues that the Commission lacks jurisdiction to order CMRS carriers to interconnect with LECs pursuant to Section 251(b)(5) of the Act and to negotiate or arbitrate interconnection terms, and reciprocal compensation rates for transport and termination

²⁴ NPRM at ¶ 81. In the *Local Competition First Report and Order*, the Commission noted its jurisdiction to regulate LEC-CMRS interconnection under Section 332, but decided to apply Sections 251 and 252 to LEC-CMRS interconnection. According to the Commission,

Sections 251, 252, 332 and 201 are designed to achieve the common goal of establishing interconnection and ensuring interconnection on terms and conditions that are just reasonable, and fair. . . By opting to proceed under section 251 and 252, we are not finding that section 332 jurisdiction over interconnection has been repealed by implication, or rejecting it as an alternative bases for jurisdiction. We acknowledge that section 332 in tandem with section 201 is a basis for jurisdiction over LEC-CMRS interconnection, we simply decline to define the precise extent at this time.

In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between LECs and CMRS Providers, First Report and Order, FCC 96-325, at ¶ 1023 (1996) (“Local Competition First Report and Order”).

²⁵ *Local Competition First Report and Order* at ¶ 1016; *In the Matter of Interconnection Between LECs and CMRS Providers; Equal Access and Interconnection Obligations Pertaining to CMRS Providers*, Notice of Proposed Rulemaking, FCC 95-505, at ¶ 111 (1996) (“LEC-CMRS NPRM”). “[T]o the extent state regulation in this area precludes reasonable interconnection, it would be inconsistent with the federal right to interconnection established by Section 332 and our prior decision to preempt state regulation that prevents the physical interconnection of LEC and CMRS networks.” LEC-CMRS NPRM at ¶ 111.

²⁶ 47 C.F.R. § 20.11(b).

of local traffic, pursuant to Section 252 of the Act.²⁷ AAPC argues the statute only permits an ILEC to invoke state arbitration where the CMRS carrier initiates the request for interconnection, as the FCC previously has held, pursuant to 252(b)(1) of the Act.²⁸

Section 251(b)(5) obligates LECs to “establish reciprocal compensation arrangements for the transport and termination of telecommunications.”²⁹ The Commission has held that Section 251(b)(5) requires LECs to enter into reciprocal compensation arrangements with all CMRS providers, but that it does not explicitly impose reciprocal obligations on CMRS providers.³⁰ In so holding, the Commission did not preclude requiring CMRS – LEC reciprocal compensation negotiations under other parts of the statute. Indeed, as shown above and cited by the Commission in its Order, regardless of the Commission’s scope of authority under Sections 251 and 252, the Commission has authority under Sections 201 and 332 to order CMRS carriers to engage with ILECs in interconnection and reciprocal compensation negotiations, and to submit to arbitration if necessary.

III. THE COMMISSION ADOPTED A REASONABLE FRAMEWORK TO GOVERN THE COLLECTION OF RECIPROCAL COMPENSATION BY ILECS FROM CMRS CARRIERS.

In its Order, the Commission establishes a reciprocal compensation framework for local LEC-CMRS traffic. Specifically, the Commission establishes three different pricing periods and corresponding pricing rules. First, with regard to the periods prior to the effective date of the Order, the Commission determined that any effective wireless termination tariffs should be enforced according to their terms.³¹ Second, the Order establishes interim pricing

²⁷ AAPC Petition at 4.

²⁸ *Id.*

²⁹ 47 U.S.C. § 251(b)(5).

³⁰ Order at ¶ 14 (citing Local Competition First Report and Order).

³¹ Order at ¶ 9, ¶ 12.

rules that apply during the period after the effective date of the Order when ILECs and CMRS carriers have begun, but not concluded, reciprocal compensation negotiations.³² Third, reciprocal compensation agreements or state-arbitrated rates will govern when negotiation or arbitration is concluded.³³ This framework will ensure that ILECs receive compensation for transport and termination of CMRS traffic even after they no longer can enforce their state termination tariffs.

The petitioners do not argue that this framework is beyond the Commission's authority, nor that the Commission was arbitrary or capricious in its decision. Indeed, CMRS carriers receiving the same transport and termination services as other common carriers also should be obligated to pay for these services under a comparable compensation framework. Rather the petitioners urge the Commission to reconsider the rates without stating any basis for revisiting the framework established in the Order. The petitions are not persuasive and should be denied.

A. The Commission Has the Authority to Set Interim Rates.

As stated above, the Order establishes interim pricing rules that apply during the period when ILECs and CMRS carriers have begun, but not concluded negotiations. Specifically, the Order "establishes interim compensation requirements under section 20.11 consistent with those already provided in section 51.715" of its rules.³⁴ Section 51.715 provides that interim rates for transport and termination of telecommunications traffic shall be based on (1) forward-looking rates established by the state pursuant to cost studies they conduct; (2) rates established by the state consistent with default price ranges and ceilings set forth in section 51.707 of the FCC's rules; or (3) where the state has not set rates under either of the above, the

³² Order at ¶ 16 and 47 C.F.R. § 20.11(f) (as amended by the Order).

³³ *Id.*

³⁴ Order at ¶ 16.

default ceilings for end-office switching, tandem switching and transport as described in section 51.707(b)(2) of the FCC's rules.³⁵

The Commission correctly established interim pricing rules using existing Rule 51.715. As discussed above, the Commission has broad authority to set rates for interstate carriers pursuant to Sections 332(c), 201 and 205 of the Act. Moreover, as the Commission stated, the establishment of interconnection agreements may take time, and interim compensation is necessary to promote competition in the local exchange.³⁶ Without interim pricing rules, ILECs suffer significant financial loss from the inability to obtain compensation for termination services they actually provide to CMRS carriers.

T-Mobile seeks clarification of the interim pricing rules.³⁷ T-Mobile points out that some of the default "proxy" pricing rules in Section 51.707 of the FCC's rules were struck down in the *Iowa I* and *Iowa II* decisions.³⁸ Two of the three alternative pricing rules in Section 51.715 are based on Section 51.707 of its rules. T-Mobile argues that the FCC has unqualified authority to set rates for CMRS-LEC traffic, and asks the Commission to reinstate the vacated provisions of section 51.707 only as to CMRS-LEC traffic covered by the interim pricing requirements of the Order.³⁹

In the *Iowa* cases, the default "proxy" pricing rules in Section 51.707 were struck down only as applicable to ILEC-CLEC reciprocal compensation, not as applicable to CMRS-

³⁵ 47 C.F.R. § 51.715(b).

³⁶ Order at ¶ 16 FN 66 (citing *Local Competition First Report and Order*, 11 FCC Rcd at 16029-30, ¶ 1065).

³⁷ T-Mobile Petition at 1.

³⁸ *Id.* at 2-3.

³⁹ *Id.* at 7-8.

LEC traffic.⁴⁰ In fact, as T-Mobile points out, the *Iowa* court upheld some of the vacated pricing rules as to CMRS-LEC traffic.⁴¹ CenturyTel agrees with T-Mobile that the FCC has unqualified authority to set rates for CMRS-LEC traffic. The Commission can set any reasonable rate pursuant to Sections 201, 205 and 332(c). It used the existing pricing standard of Section 51.715 as a convenient proxy; it is irrelevant that the court of appeals forbade those prices to be used for ILEC-CLEC compensation. The court's basis for vacating that pricing standard was the statutory division of responsibility between states and the FCC for setting local rates. No such division of labor applies to CMRS rates, which are uniquely within the FCC's jurisdiction.⁴² Thus, the Commission has much more extensive jurisdiction over rates for CMRS-LEC compensation than rates for CLEC-ILEC traffic. The FCC correctly set interim rates for CMRS-LEC reciprocal compensation. There is no reason to revisit those rates.

B. The Order Correctly Establishes that Wireless Termination Tariffs for Past Periods Must be Enforced According to Their Terms.

The Commission determined that wireless termination tariffs for past periods should be enforced according to their terms, however it prospectively prohibits tariff use for non-access traffic.⁴³ The Commission found that tariffed arrangements were permitted under the existing rules because neither the Commission's reciprocal compensation rules, nor Section 20.11 mutual compensation rules adopted prior to the 1996 Act, specify the types of arrangements that trigger a compensation obligation, nor do they prohibit any type of rate

⁴⁰ *Iowa I*, 120 F.3d at 800 n.21; *Iowa II*, 219 F.3d at 757. The *Iowa II* decision did not address the default "proxy" pricing rules as applicable to CMRS traffic.

⁴¹ T-Mobile Petition at 5 (citing *Iowa I*, 120 F.3d at 800 n.21 ("[B]ecause section 332(c)(1)(B) gives the FCC the authority to order LECs to interconnect with CMRS carriers," the Commission "has the authority to issue the [pricing] rules of special concern to the CMRS providers.")); Order at ¶ 14 FN 58.

⁴² See 47 U.S.C. § 332(c)(3).

⁴³ Order at ¶ 9.

arrangement.⁴⁴ As the Commission correctly found, “[b]ecause the existing compensation rules are silent as to the type of arrangement necessary to trigger payment obligations, . . . it would not have been unlawful for incumbent LECs to access transport and termination charges based upon a state tariff.”⁴⁵ The Commission previously refused to preempt state regulation of ILEC intrastate interconnection rates for CMRS providers, acknowledging that the intrastate terms of interconnection agreements sometimes are filed in state tariffs.⁴⁶

T-Mobile seeks “reconsideration or clarification” as to what pricing should govern past periods in which wireless termination tariffs were in effect, and specifically seeks a ruling that the pricing standards of Section 51.705 of the rules should govern any dispute over whether ILEC tariffs applicable to past periods were reasonable.⁴⁷ Under this standard, rates would be established by the states on the basis of (1) forward-looking economic costs, or (2) the Commission’s Section 51.707 default proxies, or (3) bill-and-keep (at the election of the state).⁴⁸ To support its argument, T-Mobile cites *TSR Wireless*⁴⁹ and requests that the Commission apply the 51.705 pricing requirements regardless of whether Sections 251 and 252 have been invoked.

TSR Wireless is inapplicable to this Order; it was a narrow decision affirming that LECs may not charge paging carriers for delivery of LEC-originated traffic, but that they may impose charges for terminating traffic.⁵⁰ Moreover, there are no grounds for application of the pricing standards of Section 51.705 of the rules for past period where valid tariffs were in effect.

⁴⁴ *Id.* at ¶ 10.

⁴⁵ *Id.* at ¶ 10.

⁴⁶ *Id.* at ¶ 10 (citing *CMRS Second Report and Order*, 9 FCC Rcd 1411, 1498 (1994) (subsequent history omitted)).

⁴⁷ T-Mobile Petition at 10.

⁴⁸ 47 C.F.R. 51.705.

⁴⁹ *In the Matter of TSR Wireless v. U.S. West Communications*, FCC 00-194 (2000).

⁵⁰ *Id.* at ¶ 1 (2000).

As the Commission found, “[b]y routing traffic to LECs in the absence of a request to establish reciprocal or mutual compensation, CMRS providers accept[ed] the terms of otherwise applicable state tariffs.”⁵¹

IV. CONCLUSION

Based on the foregoing, the Commission should deny both the T-Mobile Petition and the AAPC Petition and uphold its Order denying declaratory relief and amending Rule 20.11 to impose interconnection and arbitration and negotiation obligations on CMRS carriers. The Commission properly determined that it has jurisdiction pursuant to Sections 332 and 201 of the Act to regulate CMRS-LEC traffic. The Commission also has the authority to order payment of reciprocal compensation by CMRS carriers to ILECs, including setting interim rates and ordering states to enforce previously lawful ILEC tariffs by their terms.

Respectfully submitted,
CENTURYTEL, INC.



Karen Brinkmann
Stefanie Alfonso-Frank
LATHAM & WATKINS, LLP
Suite 1000
555 Eleventh Street, N.W.
Washington, D.C. 20004-1304
(202) 637-2200

Counsel for CenturyTel, Inc.

John F. Jones
CENTURYTEL, INC.
100 Century Park Drive
Monroe, Louisiana 71211
(318) 388-9000

June 30, 2005

⁵¹ Order at ¶ 12.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposition to Petitions for Reconsideration of CenturyTel, Inc. was served by first class mail, postage prepaid, this 30th day of June, 2005, upon the following:

Harold Salters
Daniel J. Menser
James W. Hedlund
T-Mobile USA, Inc.
401 9th Street, N.W.
Suite 550
Washington, D.C. 20004

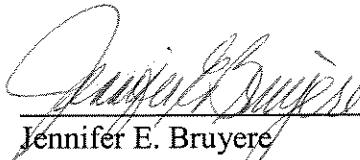
Cheryl A. Tritt
Frank W. Krogh
Morrison & Foerster, LLP
2000 Pennsylvania Ave., N.W.
Suite 5500
Washington, D.C. 20006
Counsel for T-Mobile USA, Inc.

Kenneth E. Hardman
1015 – 18th Street, N.W., Suite 800
Washington, D.C. 20036
*Counsel for American
Association of Paging Carriers*

Russell D. Lukas
David L. Nace
Lukas, Nace, Gutierrez & Sachs, Chartered
1650 Tysons Boulevard
Suite 1500
McLean, Virginia 22102
Counsel for Rural Cellular Association

Mark A. Stachiw
MetroPCS Communications, Inc.
8144 Walnut Hill Lane, Suite 800
Dallas, Texas 75231

Carl W. Northrop
David R. Siddal
W. Ray Rutngamlug
Paul, Hastings, Janofsky & Walker, LLP
875 15th Street, N.W.
Washington, D.C. 20005
*Counsel for MetroPCS Communications,
Inc.*



Jennifer E. Bruyere